

**STATE OF MICHIGAN**  
**COURT OF APPEALS**

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PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

RONALD TYRE FIELDS,

Defendant-Appellant.

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UNPUBLISHED

August 11, 2005

No. 253405

Genesee Circuit Court

LC No. 2003-011892-FC

Before: Whitbeck, C.J., and Sawyer and Fitzgerald, JJ.

PER CURIAM.

Defendant Ronald Fields appeals as of right from his jury trial conviction of first-degree criminal sexual conduct (CSC I),<sup>1</sup> and assault with intent to commit murder.<sup>2</sup> He was sentenced to concurrent prison terms of 225 to 500 months' imprisonment on each conviction. We affirm.

I. Basic Facts And Procedural History

This case arises from an assault that took place in Flint on the morning of July 4, 2002. On that morning Fields arranged with the complainant, a prostitute, to perform oral sex. Fields drove the complainant to a house, and when the complainant followed him inside, he locked the door from inside. The complainant testified that as she performed oral sex on Fields, he hit her on the back of the head with a bottle. The complainant attempted to flee, but Fields tackled her and slammed her into the door. According to the complainant, Fields then ordered her to go to the basement and clean herself up so he could take her home.

The complainant stated that when she got to the basement, Fields ordered her to get in the tub and wash up. The complainant stated that when she climbed into the tub, still fully dressed, Fields ordered her to bend over. As the complainant did so, she testified, Fields knocked her down from behind and held her head under the water. The complainant stated that she fought and scratched at Fields's arms, gagging and struggling to breathe, and was able to get her head out from under the water when Fields began to tire.

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<sup>1</sup> MCL 750.520b(1)(f) (personal injury through force or coercion).

<sup>2</sup> MCL 750.83.

The complainant testified that Fields then ordered her back to the ground floor of the house, where he hit her in the forehead with a two-by-four. The complainant testified that at some point Fields inserted a long light bulb tube into her vagina. Fields then ordered the complainant to tie her shoes, and as she bent to do so, Fields slashed her throat with a steak knife, and she lost consciousness.

That afternoon, the complainant was discovered lying nude behind a local high school, and paramedics treated her at the scene. The complainant was then taken to the hospital, where she was treated and underwent an operation to close her wounds. According to the doctor who treated the complainant and performed her surgery, she suffered a skull fracture near the back of her head, a gash on her neck, a scalp laceration at her hairline, minor lacerations near her left eye, and a broken thumb on her right hand. The doctor and the complainant both testified that she suffered from vaginal soreness and vaginal bleeding following the assault. The complainant asserted at trial that this soreness and bleeding was not attributable to menstruation, and that she had not experienced any bleeding or discharge from her vagina before the assault that day. However, the doctor testified that the paramedics provided him with no physical evidence of a sexual assault and that he and other doctors found no evidence of any injury to the complainant's vaginal cavity. The complainant remained hospitalized for approximately two weeks following the assault.

After his conviction and sentencing, Fields brought a motion for judgment of acquittal or new trial on grounds that the prosecution had presented insufficient evidence of sexual penetration to support a guilty verdict for the crime of CSC I, and, for the same reasons, that the CSC I conviction was against the great weight of the evidence. After hearing arguments on the motion, the trial court found that there was sufficient evidence of penetration to support Fields's CSC I conviction and, accordingly, denied the motion.

## II. Sufficiency Of The Evidence

### A. Standards Of Review

We review *de novo* challenges to the sufficiency of the evidence, taking the evidence in the light most favorable to the prosecutor and determining whether a rational trier of fact could find that the essential elements of the crime were proven beyond a reasonable doubt.<sup>3</sup> We review a trial court's grant or denial of a motion for new trial for an abuse of discretion.<sup>4</sup>

### B. Legal Standards

In reviewing the sufficiency of the evidence, "all conflicts in the evidence must be resolved in favor of the prosecution."<sup>5</sup> Circumstantial evidence and the reasonable inferences

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<sup>3</sup> *People v Johnson*, 460 Mich 720, 723; 597 NW2d 73 (1999); *People v Herndon*, 246 Mich App 371, 415; 633 NW2d 376 (2001).

<sup>4</sup> *People v Cress*, 468 Mich 678, 691; 664 NW2d 174 (2003).

<sup>5</sup> *People v Fletcher*, 260 Mich App 531, 562; 679 NW2d 127, lv den 471 Mich 900 (2004).

that arise from the evidence can constitute satisfactory proof of the elements of the crime.<sup>6</sup> It is for the trier of fact to determine what inferences can be fairly drawn from the evidence and to determine the weight to be accorded to the inferences.<sup>7</sup> Questions of credibility are left to the trier of fact to resolve.<sup>8</sup>

A new trial may be granted if a verdict is against the great weight of the evidence.<sup>9</sup> Such a motion should be granted only when the evidence preponderates heavily against the verdict and a serious miscarriage of justice would otherwise result.<sup>10</sup> Determining whether a verdict is against the great weight of the evidence requires a review of the whole body of proofs.<sup>11</sup>

### C. The Penetration Element

Fields asserts that the prosecution introduced insufficient evidence of the element of sexual penetration to support his CSC I conviction, and that his CSC I conviction was against the great weight of the evidence. Initially, the complainant testified that she could not remember anything being inserted inside her during the assault. When refreshed with her preliminary examination testimony, however, the complainant testified that she remembered Fields inserting a long light bulb rod into her vagina. The evidence established that following the assault, the complainant experienced vaginal pain and vaginal bleeding. The complainant testified that she was not menstruating on the date the assault occurred and was not experiencing any bleeding or discharge before the assault. Doctors treating the complainant following the assault did not find evidence of an injury to her vaginal cavity.

Looking at this evidence in the light most favorable to the prosecution, and resolving all conflicts in the evidence in the prosecution's favor, we conclude that the prosecution presented evidence sufficient for a rational trier of fact to find that the element of sexual penetration had been proven beyond a reasonable doubt. The lack of evidence of a vaginal injury does not compel the conclusion that penetration did not occur. For the same reasons, we find that Fields's CSC I conviction is not against the great weight of the evidence.<sup>12</sup>

Affirmed.

/s/ William C. Whitbeck

/s/ David H. Sawyer

/s/ E. Thomas Fitzgerald

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<sup>6</sup> *People v Carines*, 460 Mich 750, 757; 597 NW2d 130 (1999).

<sup>7</sup> *People v Hardiman*, 466 Mich 417, 428; 646 NW2d 158 (2002).

<sup>8</sup> *People v Avant*, 235 Mich App 499, 506; 597 NW2d 864 (1999).

<sup>9</sup> MCR 2.611(A)(1)(e).

<sup>10</sup> *People v Lemmon*, 456 Mich 625, 639, 642; 576 NW2d 129 (1998).

<sup>11</sup> *People v Herbert*, 444 Mich 466, 475; 511 NW2d 654 (1993), overruled in part on other grounds in *Lemmon*, *supra*.

<sup>12</sup> Because we reject Fields's sufficiency and great weight arguments, we need not address his assertion that resentencing is required.